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TO: Art Unit 3618

FROM: ROGER J. FRENCH

COMPANY: U.S. PATENT &
TRADEMARK OFFICE

DATE: November 11, 2005

FAX NUMBER: 571-273-8300

TOTAL NO. OF PAGES INCLUDING
COVER:
6

PHONE NUMBER: 571-272-8269

RE: Supplemental IDS
Application Serial No. 10/633,262
Atty Docket No. 0233-0001

NOTES/COMMENTS:

Application Serial No: 10/633,262
Title of Invention: Racing Sulky
Inventors: Thomas HARMER

Contents:

Transmittal Form (1 page)
Supplemental Information Disclosure Statement (3 pages)
Reference (1 page)

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PTO/SB/21 (09-04)


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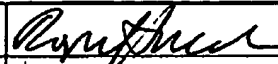
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|---|----------------------|------------------------|-----------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/833,262 | |
| | Filing Date | 07/31/2003 | |
| | First Named Inventor | Thomas HARMER, et al | |
| | Art Unit | 3618 | |
| | Examiner Name | John Walters | |
| Total Number of Pages in This Submission | 6 | Attorney Docket Number | 0233-0001 |

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| ENCLOSURES (Check all that apply) | | |
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| Remarks | | |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| Firm Name | Beem Patent Law Firm | |
| Signature |  | |
| Printed name | Roger J. French | |
| Date | November 11, 2005 | Reg. No. 27,786 |

| CERTIFICATE OF TRANSMISSION/MAILING | |
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| Signature |  |
| Typed or printed name | Roger J. French |
| Date | November 11, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT: 10/633,262
ATTY DOCKET NO: 0233-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Thomas Harmer et al.

Title: Racing Sully

Serial No: 10/633,262

Filing Date: 07/31/2003

Group: 3618

Examiner: John Walters

Certificate of Service

I hereby certify that this correspondence is being transmitted via facsimile or deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

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Dated: November 11, 2005

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir,

Pursuant to the duty to disclose under 37 CFR 1.56, Applicant submits herewith information for consideration by the Examiner.

The submission of this information is only for the purpose of providing a complete record and is not intended to be construed as an admission that the information antedates the claimed invention, or as an admission that the information is material to patentability or relevant or analogous to the field of the invention.

The right to establish an invention date earlier than the filing date of the claimed invention, and the right to establish that the information is not material to patentability or relevant or analogous to the field of the invention is hereby reserved.

This submission shall not be construed to mean that a search has been made or that there exists no other information as defined under 37 CFR 1.56(a).

The Declaration of Thomas Harmer previously filed this application states in paragraph 10:

Serial No: 10/633,262
SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT

ATTY DOCKET NO. 0233-0001

"10. The invention of claim 5 has achieved outstanding commercial success in that in the past 12 months my company sold more than 350 sulkies covered by the claims. I believe that this represents more than 80% of the total market."

In the enclosed deposition of Thomas Harmer, beginning at page 93, line 13 through page 94, line 15, Mr. Harmer's answers relate to the total number of racing bikes currently in use, rather than the number sold during the 12 month period referred to in the Declaration.

No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

It is requested that the Examiner give full consideration to the information identified on the attached form, as required by 37 CFR 1.97 and 1.98, and make it of record in this application.

Respectfully submitted,

Dated this 11th day of November, 2005.



Roger J. French
Reg. No. 27,786
BEEM PATENT LAW FIRM
53 W. Jackson Blvd., Suite 1352
Chicago IL 60604-3787
Tel. (312) 201-0011
Fax (312) 201-0022

**SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(use as many sheets as necessary)

 Sheet 1 of 1
COMPLETE IF KNOWN

Application Number 10/633,262
 Filing Date March 5, 2004
 First Named Inventor Thomas HARMER, et al.
 Group Art Unit 3618
 Examiner Name John Walters
 Attorney Docket Number 0233-0005

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No.1 | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | |
|-----------------------|--------------|---|--|
| | | | |
| | | Deposition of Thomas Harmer, pages 93-95, dated August 29, 2005 | |
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 Examiner
Signature _____

 Date
Considered _____

This collection of information is required by 37 CFR 1.97 and 1.98.

The right to establish an invention date earlier than the filing date of the claimed invention, and the right to establish that the information is not material to patentability or relevant or analogous to the field of the invention is hereby reserved.
 This submission shall not be construed to mean that a search has been made or that there exists no other information as defined under 37 CFR 1.56(a).

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